IN THE HIGH COURT OF UTTARANCHAL, NAINITAL

Writ Petition No. 876 of 2002 (M/B)

Wynberg Homes Society
C/o Wynberg Allen School,
Mussoorie
Through its Secretary
Mr. Terence Winston Phillips…….. Petitioner

Vs.

1. Centra Board of Direct Taxes
   Through its Secretary
   North Block, Central Secretariat,
   New Delhi-110001
2. Chief Commissioner of Income Tax
   Dehradun (Uttaranchal) …… Respondents

Mrs. Tahmina Punwani, Senior Advocate, learned counsel for the petitioner
Mr. Pitamber Maulekhl, Advocate, lenred Standing Counsel for the respondents.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Irshad Hussain, J.
Dated: August 5, 2004

P.C.

Heard learned counsel for the parties. It i s apparent that the order is without any reason. Learned counsel for the petitioner submits that the order was passed without hearing the petitioner. She seeks an opportunity to be heard before the Central Board of Direct Taxes (C.B.D.T.). Learned Standing Counsel very fairly agrees to give opportunity of hearing to the petitioner and pass fresh order with reasons. On that assurance, learned counsel for the petitioner withdraws the writ petition. Petition is permitted to be withdrawn with a condition that the petitioner shall appear before the Central Board of Direct Taxes within one month, on the date to be fixed by C.B.D.T., of which notice shall be given to the petitioner. Petition is allowed to be withdrawn with the condition. The Central Board of Direct Taxes shall pass a reasoned order without being impressed by the expressions made in the order, on the basis of facts and law available before it.

Petition is disposed of accordingly.

(Irshad Hussain, J.) (V.S. Sirpurakar, C.J.)
05.8.2004 05.08.2004

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